

HOUSE BILL 2842

By DuBois

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 4, Part 9, relative to postsecondary
financial assistance from net lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-902, is amended by adding the following language as new, appropriately designated subdivisions:

() "Qualifying term of service" means:

(A) Deployment overseas for active service on or after September 11, 2001, to a location or locations outside of the United States and its territories designated by the United States department of defense as a combat zone for a consecutive period of at least one hundred eighty-one (181) days;

(B) In the case of a service member who, in a combat zone as described in subdivision (A), was killed, or received injuries directly resulting in death or in one hundred percent (100%) permanent total disability, or was reported as being a prisoner of war or missing in action, any period of time on active service in such combat zone after September 11, 2001; or

(C) In the case of a service member who, was evacuated from a combat zone as described in subdivision (A) due to severe injuries, any period of time on active service in such combat zone after September 11, 2001.

() "Service member" means a person who is engaged in active military service of the United States as a member of the armed forces of the United States, a member of a reserve unit of the armed forces of the United States or a member of the Tennessee national guard;

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) To be eligible for a Tennessee service members and dependents grant, a student shall:

(1)

(A) Be a service member or an honorably discharged service member who has served at least one (1) term of qualifying service; or

(B)

(i) Be the dependent child of a service member.

"Dependent child" includes a natural or adopted child or step-child of a service member who was born to, adopted by or became the step-child of the service member prior to the qualifying term of service or a natural child who was born within nine (9) months of the beginning of the qualifying term of service;

(ii) Be under twenty-one (21) years of age;

(iii) Have not received a Tennessee HOPE scholarship or Tennessee HOPE access grant at any time prior to application for a grant; and

(iv) Not be eligible to receive a Tennessee HOPE scholarship or Tennessee HOPE access grant at the time of application; or

(C)

(i) The spouse of a service member during a qualifying term of service. A spouse who qualifies for a Tennessee service

members and dependents grant shall apply for the grant and enroll in an eligible postsecondary institution within ten (10) years of the end of the qualifying term of service or the date of death, disability, imprisonment, or report that such service member is missing in action. If a spouse qualifies for the grant as the surviving spouse of a deceased service member and such spouse remarries prior to the receipt of a grant, then such spouse's eligibility under this section shall terminate;

(ii) Not received a Tennessee HOPE scholarship at any time prior to application for a grant; and

(iii) Not be eligible for a Tennessee HOPE scholarship, Tennessee HOPE Access grant or Tennessee HOPE scholarship for nontraditional students at the time of application for a grant.

(2) Be a Tennessee citizen at the time of the qualifying term of service and at the date of application for a grant;

(3) Be a person who would have been classified, pursuant to the regulations promulgated by the board of regents under § 49-8-104, as an in-state student had the person been a student in an eligible public postsecondary institution at the time of the qualifying term of service and be classified as an in-state student at the date of application for a grant;

(4) Not be ineligible for a grant under § 49-4-904;

(5) Not have a baccalaureate degree;

(6) Make application for a grant; and

(7) Enroll in an eligible postsecondary institution.

(b)

(1) Except as provided in subdivision (2), a service member or a service member's dependent child or spouse receiving a Tennessee veterans and dependents grant shall be eligible for the award of a grant for one (1) academic year for each qualifying term of service. The maximum number of qualifying terms of service for which the Tennessee service members and dependents grant shall be awarded shall be four (4) qualifying terms.

(2)

(A) A service member who received injuries directly resulting in one hundred percent (100%) permanent total disability or was officially reported as missing in action or a prisoner of war during a qualifying term of service shall be eligible to receive one (1) grant in each of four (4) academic years, notwithstanding the fact that the service member served fewer than four (4) qualifying terms of service.

(B) A spouse during a qualifying term of service or dependent child of a service member who was killed in action, or died or acquired one hundred percent (100%) permanent total disability as the direct result of injuries received, or was officially reported as missing in action or a prisoner of war shall be eligible to receive one (1) grant in each of four (4) academic years, notwithstanding the fact that the service member served fewer than four (4) qualifying terms of service.

(c) Students receiving a Tennessee service members and dependents grant may attend an eligible postsecondary institution either full-time or part-time. TSAC shall award the grant on a pro-rata basis for part-time attendance.

(d) Service members receiving a Tennessee service members and dependents grant shall also be awarded any other postsecondary financial assistance from net

lottery proceeds for which they are eligible. Dependent children and spouses eligible for the Tennessee HOPE scholarship, Tennessee HOPE access grant or Tennessee HOPE scholarship for nontraditional students shall be ineligible for a Tennessee service members and dependents grant.

(e) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee veterans and dependents grant for full-time attendance shall be one-half ($\frac{1}{2}$) of the amount of a Tennessee HOPE scholarship awarded to full-time students at the eligible postsecondary institution attended by the service member or service member's dependent child or spouse.

SECTION 3. TSAC is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students seeking postsecondary financial assistance in the 2008-2009 academic year and academic years thereafter.